

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JIMMY LEE DAVIS,  
Plaintiff,

v.

CITY OF SAN FRANCISCO,  
Defendant.

Case No. [15-cv-03114-JSC](#)

**ORDER TO SHOW CAUSE**

Plaintiff Jimmy Lee Davis (“Plaintiff”), proceeding pro se, brings this action against the City of San Francisco. The Court previously granted Plaintiff’s Application to Proceed In Forma Pauperis. (Dkt. No. 5 at 1.) At that time, the Court also evaluated Plaintiff’s Complaint under 28 U.S.C. § 1915(e)(2). Finding that it failed to comply with Federal Rule of Civil Procedure 8(a), failed to state a claim upon which relief may be granted, and—to the extent that Plaintiff intended to allege only a claim for slander—lacked a basis for federal jurisdiction, the Court dismissed Plaintiff’s Complaint with leave to amend. (*Id.*) The Court ordered Plaintiff to file an amended complaint by August 19, 2015, and cautioned Plaintiff that failure to file an amended complaint may result in automatic dismissal. (*Id.* at 4.) That deadline has passed, but as of the date of this Order, Plaintiff still has not filed an amended complaint. Rule 41 accords a district court discretion to dismiss a plaintiff’s action because of his failure to prosecute, to comply with any order of the court, or to comply with the Federal Rules of Civil Procedure. *See, e.g., Hearn v. San Bernardino Police Dep’t*, 530 F.3d 1124, 1129 (9th Cir. 2008); *Ferdik v. Bonzelet*, 963 F.2d 1258 (9th Cir. 1992) (affirming dismissal of a *pro se* prisoner’s civil rights action where the plaintiff failed to comply with the court’s order to file an amended pleading), *cert. denied*, 506 U.S. 915 (1992); *Nevijel v. Northcoast Life Ins. Co.*, 651 F.2d 671, 673 (9th Cir. 1981) (“A

1 complaint which fails to comply with [Rule 8(a)] may be dismissed with prejudice pursuant to  
2 [R]ule 41(b).”). Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE why this action  
3 should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff shall file a  
4 written response to this Order by **September 16, 2015**. If Plaintiff fails to file a response by that  
5 date, this action will be dismissed for lack of jurisdiction.

6 **IT IS SO ORDERED.**

7 Dated: September 1, 2015

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10 JACQUELINE SCOTT CORLEY  
11 United States Magistrate Judge  
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